

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a First Amended Donation Agreement between the City of El Paso and Parents Association for Recreation for Kids Inc. (P.A.R.K.), regarding the donation of a specially designed "playground" at White Spur Park; to add provisions for installing lighting at the playground and for the payment of District Number 1 discretionary funds in the amount of \$1,000.00 to P.A.R.K. (District 8.)

ADOPTED this _____ day of December 2004.

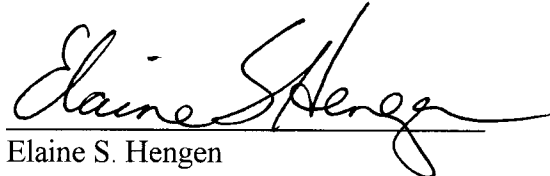
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

**FIRST AMENDED
DONATION AGREEMENT**

This **FIRST AMENDMENT TO THE DONATION AGREEMENT** dated February 24, 2004, is hereby entered into on this ____ day of December 2004 between the **City of El Paso**, a municipal corporation, and **Parents Association for Recreation for Kids Inc.**, a not-for-profit corporation;

W I T N E S S E T H:

WHEREAS, **Parents Association for Recreation for Kids Inc.** ("P.A.R.K. Inc.") desires to donate to the **City of El Paso** ("the City"), on behalf of the Parks and Recreation Department, a specially designed "Playground"; and

WHEREAS, the City desires to accept the donation of the Playground and to allow the Playground to be utilized as a feature at White Spur Park in accordance with the terms of this Agreement; and

WHEREAS, the parties desire to amend the agreement to allow P.A.R.K. to add and install lighting at the Playground area and that the City will provide funding from City Representative District 1 Discretionary Funds in the amount of \$1,000 toward the expanded project;

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, P.A.R.K. Inc. agrees to donate, and the City hereby accepts the donation of, a Playground for use under the conditions set forth below:

IT IS EXPRESSLY UNDERSTOOD AND AGREED that:

1. P.A.R.K. Inc. hereby donates to the City of El Paso a Playground, specially designed and built by the neighborhood as a permanent feature of White Spur Park, located at 4800 Love Road, El Paso, Texas 79922. The Playground will be designed with the input from area school children, with review and approval by the Parks and Recreation Department, and built using volunteer labor from the community as well as guidance from the Manufacturer, Leathers & Associates of Ithaca, New York. The value of the Playground is estimated to be \$150,000.
2. P.A.R.K. Inc. hereby donates to the City of El Paso lighting to illuminate the area of the Playground designed and built by the neighborhood as a permanent feature of White Spur Park, located at 4800 Love Road, El Paso, Texas 79922. The lighting will be designed and installed with review and approval by the Parks and Recreation Department and such lighting must comply with applicable codes and ordinances of the City.

3. The City accepts donation of the Playground with the intent to display and utilize the Playground at the Park; provided, however, that, in order to be accepted by the City, the Playground must comply with applicable codes and ordinances and with the City's needs for Parks facilities. P.A.R.K. Inc. agrees to provide the City with appropriate documentation from all volunteers involved in the Playground project, providing waivers of liability against the City. All manufacturers' warranties associated with the Playground will be assigned by P.A.R.K. Inc. to the City.
4. The City shall provide monetary support of \$1,000.00 available from the discretionary funds for City Council Representative District 1 toward costs of the project.
5. The parties agree that the City shall have full discretion as to the location and manner of display and utilization of the Playground and lighting. P.A.R.K. Inc. shall be responsible for design and installation of the Playground and lighting as a feature at the Park in the location approved by the Director of the Parks and Recreation Department and subject to the monitoring of the design and installation by the Director or his designee. P.A.R.K. Inc. agrees that it will indemnify and hold the City harmless with respect to any claim for damages for personal injury or death or for damage to property resulting from the design or installation of the Playground and lighting. Following installation, the City shall have full ownership of the Playground and lighting and shall maintain it as it does other playgrounds in the Park system.

EXECUTED, this _____ day of December 2004.

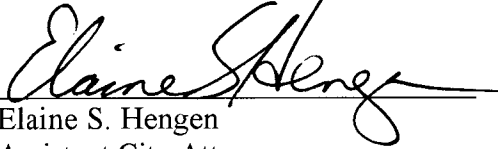
CITY OF EL PASO

Joe Wardy, Mayor

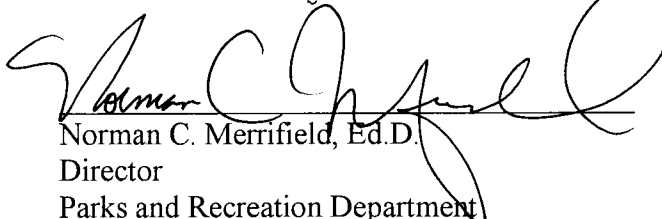
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Elaine S. Hengen
Assistant City Attorney

APPROVED AS TO CONTENT:


Norman C. Merrifield, Ed.D.
Director
Parks and Recreation Department

PARENTS ASSOCIATION FOR
RECREATION FOR KIDS INC.

By Sabrina Crowley
Name (printed) Sabrina Crowley
Title General Co. Coordinator